

86th Legislative Session – 2011

Committee: Senate Judiciary

Thursday, February 03, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Begalka
P Hunhoff (Jean)
P Nygaard
P Vehle
P Buhl
P Cutler, Vice-Chair
P Tieszen, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Craig Tieszen, Chair.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 1, 2011

Moved by: Nygaard
Second by: Buhl
Action: Prevailed by voice vote.

Governor's Appointment of Trevor Jones to the position of Secretary of the Department of Public Safety:

Presented by: Jason Glodt, Office of the Governor
Proponents: Trevor Jones, Secretary designee
Paul Bachand, self, Pierre
Dick Tieszen, self, Pierre
Steven Siegel, self, Sioux Falls

MOTION: CONFIRM APPOINTMENT OF TREVOR JONES OF HUGHES COUNTY, SOUTH DAKOTA, TO THE POSITION OF SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY

Moved by: Vehle
Second by: Nygaard
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Begalka, Hunhoff (Jean), Nygaard, Vehle, Buhl, Cutler, Tieszen

SB 80: apply certain provisions concerning actions for recovery of damages for personal injury or death to municipal officers, employees, and volunteers.

Presented by: Senator Joni Cutler
Proponents: Larry Nelson, SD Municipal League (Handouts: #1)
Steven Siegel, SD Trial Lawyers Association

MOTION: AMEND SB 80

80ra

On page 1, line 7, of the printed bill, after "municipality" insert "at the time of the alleged negligent act".

Moved by: Nygaard
Second by: Begalka
Action: Prevailed by voice vote.

MOTION: DO PASS SB 80 AS AMENDED

Moved by: Vehle
Second by: Buhl
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Begalka, Hunhoff (Jean), Nygaard, Vehle, Buhl, Cutler, Tieszen

MOTION: PLACE SB 80 ON CONSENT CALENDAR

Moved by: Nygaard
Second by: Cutler
Action: Prevailed by voice vote.

SB 81: require the Supreme Court to promulgate rules for parenting coordinators.

Presented by: Senator Joni Cutler

Proponents: Dianna Miller, SD Network Against Family Violence & Sexual Assault
Opponents: Greg Sattizahn, Unified Judicial System

MOTION: DO PASS SB 81

Moved by: Nygaard
Second by: Cutler
Action: Prevailed by roll call vote. (5-1-1-0)

Voting Yes: Nygaard, Vehle, Buhl, Cutler, Tieszen

Voting No: Hunhoff (Jean)

Excused: Begalka

SB 101: provide a penalty for denying access to public records.

Presented by: Senator Al Novstrup
Proponents: Jeff Bloomberg, Bureau of Personnel
Yvonne Taylor, SD Municipal League
Dick Tieszen, Sioux Falls School District
David Bordewyk, SD Newspaper Association
Jay Gilbertson, East Dakota Water District

MOTION: AMEND SB 101

101fc

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That chapter 1-27 be amended by adding thereto a NEW SECTION to read as follows:

If the office of hearing examiners enters a decision pursuant to § 1-27-40 concluding that certain records shall be released or that the fee charged pursuant to §§ 1-27-35 and 1-27-36 was excessive, the public entity has thirty days after the opinion is issued to comply with the order or to file an appeal pursuant to § 1-27-41.

Section 2. That chapter 1-27 be amended by adding thereto a NEW SECTION to read as follows:

In a civil action filed pursuant to § 1-27-38 or upon an appeal filed pursuant to § 1-27-41, if the

court determines that the public entity acted unreasonably and in bad faith the court may award costs, disbursements, and a civil penalty not to exceed fifty dollars for each day that the record or records were delayed through the fault of the public entity. Any civil penalty collected pursuant to this section shall be deposited into the state general fund."

Moved by: Cutler
Second by: Nygaard
Action: Prevailed by voice vote.

MOTION: DO PASS SB 101 AS AMENDED

Moved by: Cutler
Second by: Vehle
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Hunhoff (Jean), Nygaard, Vehle, Buhl, Cutler, Tieszen

Excused: Begalka

HB 1042: revise certain provisions relating to the assignment of a judgment.

Presented by: Greg Sattizahn, Unified Judicial System

MOTION: DO PASS HB 1042

Moved by: Hunhoff (Jean)
Second by: Buhl
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Hunhoff (Jean), Nygaard, Vehle, Buhl, Cutler, Tieszen

Excused: Begalka

MOTION: PLACE HB 1042 ON CONSENT CALENDAR

Moved by: Cutler
Second by: Vehle
Action: Failed by voice vote.

HB 1043: clarify the jurisdictional amount in a small claims court proceeding.

Presented by: Greg Sattizahn, Unified Judicial System

MOTION: DO PASS HB 1043

Moved by: Vehle

Second by: Cutler

Action: Prevailed by roll call vote. (5-0-2-0)

Voting Yes: Hunhoff (Jean), Vehle, Buhl, Cutler, Tieszen

Excused: Begalka, Nygaard

MOTION: PLACE HB 1043 ON CONSENT CALENDAR

Moved by: Cutler

Second by: Vehle

Action: Prevailed by voice vote.

HB 1038: revise certain provisions concerning certain fees for the electronic transmission of court records.

Presented by: Greg Sattizahn, Unified Judicial System

MOTION: DO PASS HB 1038

Moved by: Vehle

Second by: Hunhoff (Jean)

Action: Prevailed by roll call vote. (5-0-2-0)

Voting Yes: Hunhoff (Jean), Vehle, Buhl, Cutler, Tieszen

Excused: Begalka, Nygaard

THE CHAIR DEFERRED SB 159 UNTIL TUESDAY, FEBRUARY 8, 2011

South Dakota's First Lady Linda Dugaard spoke in support of the American Heart Association's Go (wear) Red for Women campaign and provided Go Red pins to the committee.

MOTION: ADJOURN

Moved by: Begalka

Second by: Buhl

Action: Prevailed by voice vote.

Rena Ortbahn
Committee Secretary

Craig Tieszen, Chair